

ESTTA Tracking number: **ESTTA726701**

Filing date: **02/12/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Wrangler Apparel Corp.
Granted to Date of previous extension	02/24/2016
Address	3411 Silverside Road 200 Hanby Building Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
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Applicant Information

Application No	79156612	Publication date	10/27/2015
Opposition Filing Date	02/12/2016	Opposition Period Ends	02/24/2016
International Registration No.	1226991	International Registration Date	07/21/2014
Applicant	Williams Grand Prix Engineering Ltd. Grove UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Clothing, namely, jackets, fleece tops and bottoms, gilets, waistcoats, wind jackets, waterproof jackets, coats, T-shirts, polo shirts, shirts, vests, trousers, jogging bottoms, tracksuits, hooded tops, sweatshirts, jumpers, jerseys, shorts, pants, socks, and underwear; footwear; headgear, namely, hats, caps, beanies,woollen hats, and baseball caps


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3777026	Application Date	04/23/2009
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Registration Date	04/20/2010	Foreign Priority Date	NONE
Word Mark	W		
Design Mark			
Description of Mark	The mark consists of a stylized "W".		
Goods/Services	Class 025. First use: First Use: 2006/11/18 First Use In Commerce: 2006/11/18 Headgear, namely, caps		
U.S. Registration No.	3985886	Application Date	01/11/2011
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	W		

Design Mark	
Description of Mark	The mark consists of a stylized W.
Goods/Services	Class 025. First use: First Use: 2009/12/02 First Use In Commerce: 2009/12/03 Bottoms

U.S. Registration No.	4656517	Application Date	04/22/2011
Registration Date	12/16/2014	Foreign Priority Date	NONE
Word Mark	W		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 2009/12/02 First Use In Commerce: 2009/12/02 Clothing, namely, tops; belts

Attachments	77720394#TMSN.png(bytes) 85214985#TMSN.png(bytes) 85301920#TMSN.png(bytes) 02-12-2016 Notice of Opposition (Wrangler v. Williams Grand Prix).pdf(220888 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	02/12/2016

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United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Wrangler Apparel Corp., a Delaware corporation, with offices at 3411 Silverside Road, 200 Hanby Building, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to Williams Grand Prix Engineering Ltd., a United Kingdom limited company, with an address at Grove, Wantage, Oxfordshire OX12 0DQ, United Kingdom (“Applicant”), for the mark “W” (Serial No. 79/156612) in International Class 25, and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark “W” for “clothing, namely, jackets, fleece tops and bottoms, gilets, waistcoats, wind jackets, waterproof jackets, coats, T-shirts, polo shirts, shirts, vests, trousers, jogging bottoms, tracksuits, hooded tops, sweatshirts, jumpers, jerseys, shorts, pants, socks, and underwear; footwear; headgear, namely, hats, caps, beanies, woollen hats, and baseball caps” in International Class 25 (“Applicant’s Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Mark either on July 21, 2014, the date of Applicant’s filing of the application, or on October 27, 2015, the date of publication in the *Official Gazette*.

3. Opposer is the owner of the following trademark registrations:

a. W[®] (stylized-kabel) (Registration No. 3777026) for “headgear, namely, caps” in International Class 25, which has been in use since 2006 and registered in 2010;

b. W[®] (stylized-kabel) (Registration No. 3985886) for “bottoms” in International Class 25, which has been in use since 2009 and registered in 2011; and

c. W[®] (stylized-kabel) (Registration No. 4656517) for “clothing, namely, tops; belts” in International Class 25, which has been in use since 2009 and registered in 2014,
(collectively, “Opposer’s Marks”).

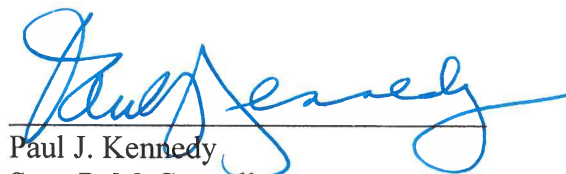
4. Opposer has, since long prior to the filing date of Applicant’s application, sold in commerce its goods under Opposer’s Marks. Through usage by Opposer, the Opposer’s

Marks have become well-known to consumers and potential customers as trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because of the great similarity between Opposer's Marks, which marks are a W to represent Wrangler, and Applicant's Mark, which is also a "W" with breaks on the outer arms of the "W", and the fact that Applicant's Mark will ultimately be used on the same or similar products as those of the Opposer, and within the same classification, Applicant's Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark "W" (Serial No. 79/156612) be denied to Applicant and this opposition be sustained.

Respectfully submitted,



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DATE: February 12, 2016


*Attorneys for Opposer,
Wrangler Apparel Corp.*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on February 12, 2016, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail (trademarks@cooley.com) and U.S. First Class Mail, postage prepaid, upon the following:

Peter J. Willsey, Esquire
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Paul J. Kennedy